

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

CASE NO.: 2:22-cv-10949

BLACK + GOLD CORPORATION,

Plaintiff,

v.

MANTRA VIE, LLC and CHRISTINA
GASKINS,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff BLACK + GOLD CORPORATION by and through its undersigned counsel, brings this Complaint against Defendants MANTRA VIE, LLC and CHRISTINA GASKINS for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BLACK + GOLD CORPORATION (“B+G”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute B+G’s original copyrighted Work of authorship.

2. B+G is a creative social media and photography marketing agency. Their goal is to elevate brand narratives with custom photography and grow social

media accounts through a curated, data-driven approach to management. B+G's full suite of services also includes social media ad management and micro-influencer development, and social content production. They work with brands spanning a diverse range of consumer product goods, from fashion to beauty to wellness and beyond.

3. Defendant MANTRA VIE, LLC ("MV, LLC") is an online and retail store specializing in women's clothing & accessories. At all times relevant herein, MV, LLC owned and operated the internet website located at the URL <https://mantravie.com/> (the "Website").

Defendant Christina Gaskins ("Gaskins") is the owner and operator of MV, LLC.

Defendants MV, LLC and Gaskins are collectively referred to herein as "Defendants."

B+G alleges that Defendants copied B+G's copyrighted Work from the internet in order to advertise, market and promote their business activities. Defendants committed the violations alleged in connection with Defendants' business for purposes of advertising and promoting sales to the public in the course and scope of the Defendants' business.

JURISDICTION AND VENUE

7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

8. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

9. Defendants are subject to personal jurisdiction in Michigan.

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

11. Mantra Vie, LLC is a Michigan Limited Liability Company, with its principal place of business at 404 S. Main St, Rochester, MI 48307, and can be served by serving its Registered Agent, Paul Carthew, 701 N MAIN STREET, Rochester, MI 48307.

Christina Gaskins is an individual residing in Oakland county, state of Michigan and can be served at 3759 Red Maple Court, Oakland, MI 48363.

THE COPYRIGHTED WORK AT ISSUE

In 2017, B+G created the photographs entitled "1376_Rhone1632" and "1376_Rhone628", which is shown below and referred to herein as the "Works".



B+G registered the Works with the Register of Copyrights on April 11, 2018 and was assigned the registration number VA 2-098-383. The Certificate of Registration is attached hereto as Exhibit 1.

B+G's Works are protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

16. At all relevant times B+G was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANTS

17. Defendants have never been licensed to use the Work at issue in this action for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

19. On or about February 27, 2020, B+G discovered the unauthorized use of its Work on the Website.

20. Defendants copied B+G's copyrighted Work without B+G's permission.

21. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their retail business.

22. Defendants copied and distributed B+G's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

23. B+G's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

24. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

25. B+G never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

COPYRIGHT INFRINGEMENT

27. B+G incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. B+G owns a valid copyright in the Work at issue in this case.

29. B+G registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without B+G's authorization in violation of 17 U.S.C. § 501.

31. Defendants performed the acts alleged in the course and scope of its business activities.

32. Defendants' acts were willful.

33. B+G has been damaged.

34. The harm caused to B+G has been irreparable.

35. As the owner and operator of MV, LLC, Gaskins had the right and ability to control whether the Works appeared on the Website, and gained a direct financial benefit from their unauthorized commercial use. Therefore, Gaskins and

MV, LLC are vicariously liable for the infringements of the works and are joint and severally liable for any damages resulting from the infringements.

36. As the owner and operator of MV, LLC, Gaskins had actual notice of the infringing activity, and induced, caused, or materially contributed to the infringing conduct of MV, LLC. Therefore, Gaskins is liable for contributory copyright infringement for MV, LLC's unauthorized reproduction, display, and distribution of the Works and the Defendants are joint and severally liable for any damages resulting from the infringements.

WHEREFORE, the Plaintiff Black + Gold Corporation prays for judgment against the Defendants Mantra Vie, LLC and Christina Gaskins that:

- a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. Defendants be required to pay Plaintiff its actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Gaskins and MV, LLC are either vicariously liable for the infringements or that Gaskins contributed to the infringement of MV, LLC,

and holding the Defendants joint and severally liable for any damages resulting from Plaintiff's claims herein;

Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

e. Plaintiff be awarded pre- and post-judgment interest; and

f. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 4, 2022

Respectfully submitted,

/s/Joseph A. Dunne

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